



FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

JUL 22 2004

Timothy Longino
297 White Ave
Middlebury, Connecticut 06762-2734

RE: MUR 5453
Timothy Longino

Dear Mr. Longino:

On May 18, 2004, the Federal Election Commission ("the Commission") found that there is reason to believe you violated 2 U.S.C. § 441a(a)(1)(A), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Please submit such materials to the General Counsel's Office within 30 days of receipt of this letter. Where appropriate, statements should be submitted under oath. In the absence of additional information, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation.

In order to expedite the resolution of this matter, the Commission has also decided to offer to enter into negotiations directed towards reaching a conciliation agreement in settlement of this matter prior to a finding of probable cause to believe. Enclosed is a conciliation agreement that the Commission has approved. If you are interested in expediting the resolution of this matter by pursuing preprobable cause conciliation, and if you agree with the provisions of the enclosed agreement, please sign and return the agreement, along with the civil penalty, to the Commission. In light of the fact that conciliation negotiations, prior to a finding of probable cause to believe, are limited to a maximum of 30 days, you should respond to this notification as soon as possible.

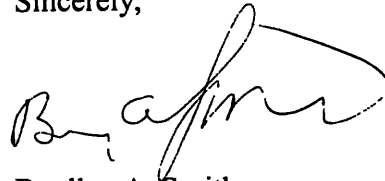
Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

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This matter will remain confidential in accordance with 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you have any questions, please contact Christine C. Gallagher, the attorney assigned to this matter, at (202) 694-1650.

Sincerely,

A handwritten signature in black ink, appearing to read "B. A. Smith", with a large, sweeping flourish at the end.

Bradley A. Smith
Chairman

Enclosures

Factual and Legal Analysis
Conciliation Agreement
Procedures
Designation of Counsel Form

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1 **FEDERAL ELECTION COMMISSION**

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3 **FACTUAL AND LEGAL ANALYSIS**

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6 RESPONDENT: Timothy Longino

MUR 5453

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8 **I. GENERATION OF THE MATTER**

9 This matter was generated based on information ascertained by the Federal Election
10 Commission ("the Commission") in the normal course of carrying out its supervisory
11 responsibilities. *See* 2 U.S.C. § 437g(a)(2).¹

12 **II. ANALYSIS**

13 Philip Giordano was a candidate for the office of United States Senator from Connecticut
14 in the 2000 election. A review of the Giordano for U.S. Senate Committee's ("the Committee")
15 disclosure reports shows that Timothy Longino² made an apparent excessive individual
16 contribution to the Committee in the amount of \$23,000 as follows³:

CONTRIBUTOR	CONTRIBUTION AMOUNT	DATE	ELECTION DESIGNATION	REPORT	EXCESSIVE AMOUNT
Longino, Timothy	\$1,800	10/30/00	Not designated	30-Day Post- General	\$800
Longino, Timothy	\$22,200	10/30/00	Not designated	30-Day Post- General	\$22,200

¹ All of the facts in this matter occurred prior to the effective date of the Bipartisan Campaign Reform Act of 2002 ("BCRA"), Pub. L. 107-155, 116 Stat 81 (2002). Accordingly, unless specifically noted to the contrary, all citations to the Federal Election Campaign Act of 1971, as amended ("the Act"), herein are as it read prior to the effective date of BCRA and all citations to the Commission's regulations herein are to the 2002 edition of Title 11, Code of Federal Regulations, which was published prior to the Commission's promulgation of any regulations under BCRA.

² In 2000, Mr Longino was the Committee's Campaign Chairman. *See* FEC disclosure reports, *see also* David Hammer, *Giordano Campaign Loan Faces Scrutiny*, REPUBLICAN-AMERICAN, August 5, 2001.

³ On July 3 and 17, 2001, the Commission sent Requests for Additional Information ("RFAs") to the Committee with regard to this excessive contribution. On July 26 and August 9, 2001, Second Notices were sent. The Committee's response to the Commission's inquiries did not address Mr. Longino's excessive contribution.

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1 The Act prohibits any person from making contributions “to any candidate and his
2 authorized political committee with respect to any election for Federal office which, in the
3 aggregate, exceeds \$1,000.” 2 U.S.C. § 441a(a). A contribution is any gift, subscription, loan,
4 advance, or deposit of money or anything of value made by any person for the purpose of
5 influencing any election for Federal office. 2 U.S.C. § 431(8)(A)(i).

6 Mr. Longino contributed more than twenty times the permissible limit. According to the
7 Committee’s disclosure reports, the aforesaid contributions were made after the primary election
8 but before the general election. There is no information showing that the Committee refunded,
9 reattributed or redesignated any portion of Mr. Longino’s contributions.

10 Therefore, there is reason to believe Timothy Longino violated 2 U.S.C. § 441a(a)(1)(A).

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